

**U.S. DEPARTMENT OF COMMERCE
INTERNATIONAL TRADE ADMINISTRATION
UNITED STATES INVESTMENT ADVISORY COUNCIL
MEMBERSHIP BALANCE PLAN**

Section 5(b)(2) of the FACA requires “...the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee.” The corresponding FACA regulations reiterate this requirement at 41 CFR § 102-3.30(c), and, for discretionary committees being established, renewed, or reestablished, require agencies to provide a description of their plan to attain fairly balanced membership during the charter consultation process with GSA (41 CFR § 102-3.60(b)(3)). The document created through this process is the Membership Balance Plan. The regulations further clarify that (1) the purpose of the membership balance plan is to ensure “that, in the selection of members for the advisory committee, the agency will consider a cross-section of those directly affected, interested, and qualified, as appropriate to the nature and functions of the advisory committee;” and (2) “[a]dvisory committees requiring technical expertise should include persons with demonstrated professional or personal qualifications and experience relevant to the functions and tasks to be performed.” (41 CFR § 102-3.60(b)(3)).

1. **Name.** United States Investment Advisory Council.
2. **Authority.** The United States Investment Advisory Council (IAC) is being established by the Secretary of Commerce (Secretary) pursuant to duties imposed by 15 U.S.C. 1512 upon the Department of Commerce, in compliance with the Federal Advisory Committee Act (FACA), 5 U.S.C. App., as amended, and with the concurrence of the General Services Administration.
3. **Mission/Function.** The IAC shall advise the Secretary on matters relating to the promotion and retention of foreign direct investment (FDI) in the United States (U.S.), including government policies and programs that affect FDI, and shall recommend programs and policies to help the U.S. attract and retain FDI. The IAC shall act as a liaison among the stakeholders represented by the membership and shall provide a forum for the stakeholders on current and emerging issues regarding FDI. The IAC shall report to the Secretary on its activities and recommendations regarding FDI in the U.S.
4. **Points of View.** The IAC shall have up to 20 members appointed by the Secretary, in accordance with applicable Department of Commerce guidance and on the basis of their ability to carry out the objectives of the IAC. Members shall represent companies and organizations investing, seeking to invest, seeking foreign investors or facilitating investment across many sectors. Members shall also represent a broad range of products and services, company sizes, demographics, and geographic locations of the source and the destination of the FDI. Members shall be drawn from large, medium, and small enterprises, private-sector organizations involved in investment, and other investment-related entities including non-governmental organizations, associations and economic development organizations. Members of the IAC will be selected, in accordance with applicable Department of

Commerce guidelines, based on their ability to carry out the objectives of the IAC as set forth in the charter and in a manner that ensures that the IAC is balanced in terms of points of view, industry sector, demographics, geography, and company size. Careful review of membership structure and industry sector representation will occur with each application for membership to ensure balanced representation on the IAC.

Members will serve in a representative capacity, representing the views and interests of their sponsoring entity and its particular sector (as applicable); they are, therefore, not Special Government Employees. Because the IAC will advise the Secretary on U.S. international competitiveness in attracting and retaining FDI, all members must be a U.S. National.

5. **Balance Factors.** Considerations when reviewing applications for membership and making appointments will include seeking representation of a broad range of companies and organizations in terms of points of view, demographics, products and services, company size, and geographic location of both the source and destination of FDI. Members will be selected based on their ability to carry out the objectives of the IAC, in accordance with applicable Department of Commerce guidelines.
6. **Candidate Identification Process.**
 - (a) **Describe the Process Used:** Candidate identification will come from various sources, including solicitation through publication of a Federal Register notice, Department of Commerce industry contacts and meetings, recommendations from industry and government sources, and outreach to relevant non-government organizations, associations and economic development organizations. Searches for candidates will continue until all vacancies are filled.
 - (b) **Identify Agency Staff:** The Secretary will make final determinations, with input from the Under Secretary of Commerce for International Trade, the Assistant Secretary of Commerce for Industry and Analysis, the Assistant Secretary for Global Markets, the Office of Advisory Committees and Industry Outreach, the Executive Director of SelectUSA, the Office of Business Liaison and the Policy Office of the Secretary.
 - (c) **Vacancies:** Should vacancies occur; the Office of Advisory Committees and Industry Outreach will use the candidate identification process specified above to fill the vacancy unless the term of the appointment would expire prior to being able to fill the vacancy.
 - (d) **Membership Term Limit:** IAC members serve for terms of two years at the pleasure of the Secretary. Members may be reappointed to any number of additional terms, provided that the member proves to work effectively on the IAC and his/her knowledge and advice is still needed.
7. **Subcommittee Balance.** The Executive Director of the IAC (the Assistant Secretary for Industry and Analysis) may establish such subcommittees of the members as may be necessary, subject to the provisions of FACA, the FACA implementing regulations, and applicable Department of Commerce guidance. Subcommittees must report back to the IAC and do not provide advice or work products directly to the Secretary. The process for determining membership balance of subcommittees is the same as the process for the IAC.

8. **Other.** Appointments shall be made without regard to political affiliation and without discrimination on the basis of age, ethnicity, gender, sexual orientation, disability, or cultural, religious, or socioeconomic status.
9. **Date Prepared.** The Membership Balance Plan was prepared on December 15, 2015.